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HARRINGTON & SMITH			NGO, CHUONG A	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/593,669	<b>Applicant(s)</b> HEIKKINEN ET AL.
	<b>Examiner</b> CHUONG A. NGO	<b>Art Unit</b> 2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 19 March 2010.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-25 is/are pending in the application.

4a) Of the above claim(s) 22-24 is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-23 and 25 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/GS-68)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_

5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

## DETAILED ACTION

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-21, 24 have been considered but they are not persuasive.

a. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Applicant argues "Roeder does not disclose or suggest any "control feature of a divert facility" as recited in Applicant's independent claims 1, 8, 13 and 17.

Examiner very kindly directs the applicant to Roeder i.e. "control feature of a divert facility" (see ¶ [0030] and Fig. 1 and 2, where Roeder discusses about system and method of call forwarding. For example, a call forwarding feature (CF) 112 in telephone subsystem 106 may be used to forward calls for the associated telephone 110 to mobile station 108, therefore, it is control feature of a divert facility).

Roeder discusses "which first communication device is equipped with at least a first identifier" (see ¶ [0030], Roeder discusses identifier as telephone

**number and/or extension number)** and "a control feature of a divert facility, in order to control the divert facility concerning itself" (see ¶ [0030] and Fig. 1 and 2, where Roeder discusses about system and method of call forwarding. For example, a call forwarding feature (CF) 112 in telephone subsystem 106 may be used to forward calls for the associated telephone 110 to mobile station 108, therefore, it is control feature of a divert facility), and "in which communication message addressed to at least said first communication device defined by the first identifier is routed at least partly to at least a second communication device defined by a second identifier" (see ¶ [0030], Roeder discusses as a call forwarding feature (CF) 112 in telephone subsystem 106 may be used to forward calls for the associated telephone 110 to mobile station 108); and

Roeder discloses "remotely controlling the control feature of the divert facility of the communication device using the second communication device or another communication device" (see ¶ [0042], .. processor 124 may use a remote call forwarding feature 128 in telephone subsystem 106 to forward calls for telephone 110 to mobile station 108. Remote call forwarding feature 128 may, for example, allow one telephone 110 to activate or deactivate the call forwarding feature 112 for another telephone 110.. [0060] + Roeder discusses as which allows call forwarding feature 212 to be activated and deactivated from another telephone 210).

Roeder discloses a communication message. However, Roeder does not specifically disclose a “short message service message”. Karve discloses “short message service message” (**see Karve, ¶ [0016], where Karve discuses the present invention provides a communications device that supports Short Message Service (SMS), the device including a database memory for storing at least one predefined forwarding address and a controller connected to the database memory for accessing the at least one predefined forwarding address and ¶ [0023] The present invention provides a software-implemented feature of a communications device, such as a mobile or cellular telephone that supports SMS, which allows the device to forward received short messages to other devices or addresses).**

it would have been obvious to one of ordinary skill in the art at the time of the invention was make to combine the Roeder invention, and have short message service, as taught by Karve, thereby, providing the method or apparatus with the convenient feature such as forwarding SMS as forwarding phone call, as discussed by Karve, (see ¶ [0006]-[0014]).

**One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references.**  
**In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); In re Merck & Co., Inc., 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).**

In response to applicant argument “In Roeder, the network determines whether the mobile station is registered to a network or not. According to

embodiments of Applicant's invention, this kind of system would not work because, for example, the user's wireless communication device having the first identity is a part of the divert facility by receiving and retransmitting a received message to another communication device having the second identity".

Where a claimed improvement on a device or apparatus is no more than "the simple substitution of one known element for another or the mere application of a known technique to a piece of prior art ready for improvement," the claim is unpatentable under 35 U.S.C. 103(a). Ex Parte Smith, 83 USPQ.2d 1509, 1518-19 (BPAI, 2007) (citing KSR v. Teleflex, 127 S.Ct. 1727, 1740, 82 USPQ2d 1385, 1396 (2007)). Accordingly Applicant claims a combination that only unites old elements with no change in the respective functions of those old elements, and the combination of those elements yields predictable results; absent evidence that the modifications necessary to effect the combination of elements is uniquely challenging or difficult for one of ordinary skill in the art, the claim is unpatentable as obvious under 35 U.S.C. 103(a). Ex Parte Smith, 83 USPQ.2d at 1518-19 (BPAI, 2007) (citing KSR, 127 S.Ct. at 1740, 82 USPQ2d at 1396). Accordingly, since the applicant[s] have submitted no persuasive evidence that the combination of the above elements is uniquely challenging or difficult for one of ordinary skill in the art, the claim is unpatentable as obvious under 35 U.S.C. 103(a) because it is no more than the predictable use of prior art elements according to their established functions resulting in the simple substitution of one

known element for another or the mere application of a known technique to a piece of prior art ready for improvement.

b. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Applicant argues "Neither Roeder or Karve disclose or suggest the afore-cited features recited in Applicant's independent claims. Thus, no combination of these documents disclose or suggest all of the afore-recited features of Applicant's independent claims".

One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

2. The examiner has updated the rejection to further clarify and has not changed the interpretation of the rejection.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-2, 4-9, 11-17, 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application Public 20020111176 (hereinafter Roeder) in view of US Patent Application Public 20020137530 (hereinafter Karve).

Regarding claim 1, 8, 13, 17, Roeder discloses "A method comprising: managing communication message addressed to a first communication device" (**see abstract and ¶ [0030], Fig. 1 and telephone 110A**), "which first communication device is equipped with at least a first identifier" (**see ¶ [0030]**), **Roeder discusses identifier as telephone number and/or extension number** and "a control feature of a divert facility, in order to control the divert facility concerning itself" (**see ¶ [0030] and Fig. 1 and 2**, where Roeder discusses about system and method of call forwarding. For example, a call forwarding feature (CF) 112 in telephone subsystem 106 may be used to forward calls for the associated telephone 110 to mobile station 108, therefore, it is control feature of a divert facility), and "in which communication message addressed to at least said first communication device defined by the first identifier is routed at least partly to at least a second communication device defined by a second identifier" (**see ¶ [0030]**, **Roeder**

**discusses as a call forwarding feature (CF) 112 in telephone subsystem 106 may be used to forward calls for the associated telephone 110 to mobile station 108; and**

Roeder discloses "remotely controlling the control feature of the divert facility of the communication device using the second communication device or another communication device" (see ¶ [0042], .. processor 124 may use a remote call forwarding feature 128 in telephone subsystem 106 to forward calls for telephone 110 to mobile station 108. Remote call forwarding feature 128 may, for example, allow one telephone 110 to activate or deactivate the call forwarding feature 112 for another telephone 110.. [0060]  
+ Roeder discusses as which allows call forwarding feature 212 to be activated and deactivated from another telephone 210).

Roeder discloses a communication message. However, Roeder does not specifically disclose a "short message service message". Karve discloses "short message service message" (see Karve, ¶ [0016], where Karve discloses the present invention provides a communications device that supports Short Message Service (SMS), the device including a database memory for storing at least one predefined forwarding address and a controller connected to the database memory for accessing the at least one predefined forwarding address and ¶ [0023] The present invention provides a software-implemented feature of a communications device, such as a

**mobile or cellular telephone that supports SMS, which allows the device to forward received short messages to other devices or addresses).**

it would have been obvious to one of ordinary skill in the art at the time of the invention was make to combine the Roeder invention, and have short message service, as taught by Karve, thereby, providing the method or apparatus with the convenient feature such as forwarding SMS as forwarding phone call, as discussed by Karve, (see ¶ [0006]-[0014]).

Regarding claims 2, 9 and 14 "wherein the second communication device is used to send a data message, on the basis of which the control feature of the divert facility is remote control" (see ¶ [0042], .. processor 124 may use a **remote call forwarding feature 128 in telephone subsystem 106 to forward calls for telephone 110 to mobile station 108. Remote call forwarding feature 128 may, for example, allow one telephone 110 to activate or deactivate the call forwarding feature 112 for another telephone 110.. [0060]** + Roeder discusses as which allows call forwarding feature 212 to be activated and deactivated from another telephone 210).

Regarding claims 4, 11 Roeder discloses "wherein a data message includes identifier data, on the basis of which the divert facility is activated/deactivated to one or more communication devices defined by the identifier data" (see ¶s [0041]+... **interface 114 to activate or deactivate the call forwarding feature 112..**).

Regarding claims 5, 16, Roeder discloses "wherein that the identifier data is comprised of at least one international mobile subscriber identifier and is identified from the sender data of a data message, to which the communication are routed in a set manner" (see ¶ [0054], **subscriber location register 270 may store general subscriber management information downloaded from a public network when mobile station 208 roams into system 200. Subscriber location register 270 also stores each subscriber's extension number, direct dial number, and any other information that is specific to system 200, in this case if the mobile is in use then SIM can be register, This will know to the art most of mobile phone has SIM or other identity).**

Regarding claim 6, Roeder discloses "Wherein the data message is transmitted to communication device defined by the first identifier which manages the divert facility concerning itself" (see ¶ [0032], .. **Packet subsystem 104 is coupled to wireless subsystem 102 and telephone subsystem 106. Packet subsystem 104 is operable to transfer information between wireless subsystem 102 and telephone subsystem 106. Packet subsystem 104 may, for example, transport datagrams containing information between wireless subsystem 102 and telephone subsystem 106..).**

Regarding claims 7, 12, Roeder discloses "wherein when the divert facility concerns the data communication addressed to the communication device, the data message is processed in a manner defined by the divert facility data message" (see ¶ [0034], **receive information from mobile station 108**

**through wireless subsystem 102, place the information into one or more datagrams, and communicate the datagrams across packet subsystem 104. Client 122 may also receive one or more datagrams over packet subsystem 104 from telephone subsystem 106, extract the information contained in the datagrams, and communicate the information to mobile station 108 through wireless subsystem 102..).**

Regarding claim 5, Roeder discloses “wherein the data message is arranged to interpreted in the communication device” (see ¶ [0034], .. **Client 122 may also receive one or more datagrams over packet subsystem 104 from telephone subsystem 106, extract the information contained in the datagrams, and communicate the information to mobile station 108 through wireless subsystem 102.., since the telephone subsystem extract and use, therefore, device is interpreted the information).**

Regarding claim 19, Roeder discloses “wherein the program code includes in addition fourth code means configured to detect identifier data as setting data from the data message, on the basic of which the fourth code means is configured to target operations to the divert set-up function relating to one or more communication devices defined by the identifier data” (see ¶ [0034], .. **Client 122 may also receive one or more datagrams over packet subsystem 104 from telephone subsystem 106, extract the information contained in the datagrams, and communicate the information to mobile station 108 through wireless subsystem 102. Client 122 may comprise any hardware, software,**

**firmware, or combination thereof operable to facilitate communication between wireless subsystem 102 and packet subsystem 104).**

Regarding claim 20, Roeder discloses "wherein the program product includes in addition fifth code means configured to process data communication addressed to the communication device in a manner defined by divert facility data message" (see ¶ [0035], .. Telephone subsystem 106 may also facilitate communication between a telephone 110 and a mobile station 108 by communicating with packet subsystem 104 over interfaces 114 and/or 116. Telephone subsystem 106 may comprise any suitable hardware, software).

Regarding claim 21, Roeder discloses "a subscriber identity module configured to be fitted to a wireless communication device, wherein the subscriber identity module has arranged in it program code according to claim 17" (see ¶ [0038], Telephone 110 may comprise any suitable wireline or wireless telephonic device operable to communicate with telephone subsystem 106. In this document, the phrase "telephonic device" refers to any hardware, software, firmware, or combination thereof operable to provide voice phone services. Telephone 110 may).

5. Claims 3, 10, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application Public 20020111176 (hereinafter Roeder) in view of US Patent Application Public 20020137530 (hereinafter Karve) and further in view of US Patent 5,742,668 (hereinafter Pepe).

Regarding claims 3, 10, 18 Roeder and Karve discloses all the subject matters of the claimed invention concept except “authentication”. However, attention is directed to Pepe, which teaches “authentication” (**see col. 6, line 11-28, Pepe discusses the profiles contain service related information for mapping services to subscribers (e.g., screening, routing, terminal selection by subscriber selected parameters, custom calling features, and the like); subscriber authentication data (e.g., password and user I.D.).**)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was make to modify the Roeder and Karve inventions, and have authentication, as taught by Pepe, thereby, providing communication services is to allow users to communicate from anywhere to anywhere at any time, as discussed by Pepe, (see col. 1, lines 42-65).

6. Claim 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application Public 20020137530 (hereinafter Karve) in view of US Patent Application Public 20030139175 (hereinafter Kim).

Consider claim 25, Karve discloses “An apparatus comprising: a processor” (**see ¶ [0025], Fig. 2, The controller 22 includes a processor, such as a digital signal processor;**)

Karve discloses “An memory including computer program code” (**see ¶ [0025], Fig. 2, The memory 24 is connected to the controller 22 and is used to store data and/or program code;**)

Karve discloses "the memory and the computer program code configured to, with the processor" (see ¶ [0025], **Fig. 2, Processor and memories**, in addition see ¶ [0027], the memory 24 includes a space for storing received short messages and a forwarding address database. The forwarding address database stores phone numbers that may be selected by the user such that received short messages are forwarded to the selected address), cause the apparatus at least to perform:

Karve discloses "managing a short message service message addressed to a first communication device, which first communication device is equipped with at least a first identifier and a control feature of a divert facility, in order to control the divert facility concerning itself" (see ¶ [0027], the memory 24 includes a space for storing received short messages and a forwarding address database. The forwarding address database stores phone numbers that may be selected by the user such that received short messages are forwarded to the selected address), and "in which the short message service message addressed to at least said first communication device defined by the first identifier is routed at least partly to at least a second communication device defined by a second identifier" (see ¶ [0034], Referring now to FIG. 4, a flow diagram of a sequence of steps of set up options of the call forwarding feature is shown, see ¶ [0035], step 52, is to automatically forward all messages to a predefined number or numbers. In step 52, the user defines the number or numbers to which all received

**short messages are to be forwarded. A second option, step 54, is to forward all messages received from one or more predetermined senders, as defined on a list, to one or more predefined numbers).**

Karve discloses all the subject matters of the claimed invention concept. However, Karve does not disclose "remotely controlling the control feature of the divert facility of the communication device using the second communication device or another communication device". In an analogous field of endeavor, attention is directed to Kim, which teaches "remotely controlling the control feature of the divert facility of the communication device using the second communication device or another communication device" (see ¶ [0018], objects, there is provided a system for remotely controlling a mobile terminal in a mobile communication system, ¶ [0038], .. a mobile terminal according to the present invention is divided into a one-sided type and an interactive type. FIGS. 8A, 8B and 9 show the one-sided remote control, while FIGS. 13 to 16 show the interactive remote control., see ¶ [0112]+, .. remotely controls a mobile terminal through a SMS call., see ¶ [0128]+, .. a call process method among a mobile terminal operating in the remote control client mode.).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the Kim disclosed invention, and have remotely controlling the control feature of the divert facility of the communication device using the second communication device or another

communication device, as taught by Kim, thereby, to prove a device can modify a technique of call forwarding functions to apply for a SMS service as discussed by Kim, (see paragraph [0014]).

**Conclusion**

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
  - a. US 2002/0090963 A1
  - b. US 2003/0194071 A1.
2. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHUONG A. NGO whose telephone number is 571-270-7264. The examiner can normally be reached on Monday through Thursday 6:00AM to 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Corsaro can be reached on 571-272-7876. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Examiner, Art Unit 2617

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